

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANA FREDRICK BROWN, JR.,)	
)	
Petitioner,)	No. 2:23-cv-1030
)	
vs.)	District Judge Robert J. Colville
)	
COMMONWEALTH OF)	Magistrate Judge Patricia L. Dodge
PENNSYLVANIA,)	
)	
Respondent.)	

DANA FREDRICK BROWN, JR.,)	
)	
Petitioner,)	No. 2:23-cv-1031
)	
vs.)	District Judge Robert J. Colville
)	
COMMONWEALTH OF)	Magistrate Judge Patricia L. Dodge
PENNSYLVANIA,)	
)	
Respondent.)	

ORDER OF COURT

Before the Court are the Honorable Patricia L. Dodge’s October 5, 2023 Report and Recommendations (ECF No. 5 at Docket No. 23-1030 and ECF No. 6 at Docket No. 23-1031), each of which addresses Notices (ECF No. 1 at each docket) filed by Petitioner in the above-captioned matters. Through these Notices, Petitioner purports to remove his state criminal prosecutions to this District. The Report and Recommendations recommend that the Court issue an order in each case stating that removal is not permitted and, therefore, the case is closed and

summarily remanded to state court. Objections to Judge Dodge's Report and Recommendations were due by October 19, 2023. No objections were filed. Accordingly, this matter is ripe for disposition.

"The Federal Magistrates Act provides two separate standards of judicial review of orders on matters referred to magistrate judges." *Alarmax Distributors, Inc. v. Honeywell Int'l Inc.*, No. 2:14-cv-1527, 2015 WL 12756857, at *1 (W.D. Pa. Nov. 24, 2015) (citing 28 U.S.C. § 636(b)(1)). A district court reviews objections to a magistrate judge's decision on non-dispositive matters to determine whether any part of the order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). Objections to a magistrate judge's disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge's report and recommendation to which objections are made. *Id.* Following de novo review, "[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, "even absent objections to the report and recommendation, a district court should 'afford some level of review to dispositive legal issues raised by the report,'" and has "described this level of review as 'reasoned consideration.'" *Equal Employment Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon reasoned consideration of the record in each matter, the Court agrees with the thorough and well-reasoned analysis set forth in Judge Dodge's Report and Recommendations, and the Court accepts and adopts Judge Dodge's Report and Recommendations in their entirety as

the opinion of the Court in each case. Removal of Petitioner's state criminal prosecutions to this District is not permitted. These matters are remanded to the Court of Common Pleas of Allegheny County. The Clerk of Court shall mark this case as closed.

BY THE COURT:

s/Robert J. Colville
Robert J. Colville
United States District Judge

DATED: November 20, 2023

cc: The Honorable Patricia L. Dodge

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